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ABSTRACT

This paper addresses school choice, one proposal to address parental involvement concerns, focusing on historical background, definitions, rationale for advocating choice, implementation strategies, and implications for minorities and low-income families. In the past, transfer payment programs such as tuition tax credits and vouchers were advocated to pay for students whose parents elected to send them to private or parochial schools. Redefining such transfers as scholarships may sound less offensive, but the outcome (privatization of education) is still the same. Choice proponents predicate their advocacy primarily on the concepts of empowerment and improvement. Although marketplace adherents Chubb and Moe advocate abolishing school boards, Dennis Evans questions the wisdom of entrusting educational decision-making to corporate boardrooms. The National Education Association supports choice at the local level, while the ASCD believes the real question is how to equalize opportunities for choice. Recent studies indicate that school choice programs could foster a new, improved sorting machine that concentrates scarce resources on high-achieving student and limits options for poor and minority students. Many planning, financial, structural, and legal problems must be addressed, along with the multitiered school systems resulting from choice. Important questions and principals to guide choice plan considerations are provided. Choice by itself is no panacea for systemic or sustained educational reform. (MLH)

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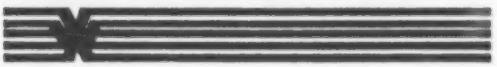

Network

A Background Paper
on
EDUCATIONAL CHOICE
September, 1991

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Introduction

For more than a decade, one of the primary issues in the United States has been the reform of the nation's public education system. Dozens of reports have been written by individuals, organizations, and foundations as well as agencies at all levels of government. Virtually all of the reports have underscored the critical need for increased parental involvement at every level of the educational process. One of the proposals recommended to address this concern is "parental choice." This paper will focus on parental choice, rationale for advocating choice, strategies for implementation, and the implications for minorities and low income families.

Historical Background

The issue of parental involvement in determining which schools their children will attend – whether private, parochial, or public – is not a new issue. In 1925, the Supreme Court decision in *Pierce versus the Society of Sisters* guaranteed to non-public schools the right of existence and, therefore, the right of parents to choose which school their children would attend. (Council for American Private Education position paper on Choice, October, 1990). However, the court did not indicate that public funds could be used to pay for the education of children whose parents decided to send them to non-public schools.

During the 1950s and 1960s in the aftermath of the Supreme Court's landmark decision in the *Brown versus Topeka, Kansas Board of Education* case, which struck down segregation in our public schools, "freedom of choice" schools were established by white parents to avoid (or stand in defiance of) sending their children to the newly desegregated schools. In many of these communities, tax bases were deliberately frozen at a low level to enable white

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parents to afford the tuition charged by the private schools. Consequently, such actions eroded the financial base for public schools in those communities, thus further institutionalizing separate and unequal schools for the vast majority of minority and poor students.

By the end of the 1960s, tuition tax credits and voucher schemes were being proposed as a means of channeling public funds into non-public schools. Tuition tax credit proposals would allow parents to deduct from their taxes part, or all, of the costs of sending their children to a private or a parochial school. Vouchers were another strategy to provide public funding for parents to pay for private schooling for their children. If a parent decided to send his/her child to a private or parochial school, a government voucher would be given to the parent in payment of the tuition charged. Upon enrolling the child in the non-public school, school officials would then submit the voucher to the appropriate public agency for payment.

During the early 1970's, the U. S. Office of Equal Opportunity attempted to establish voucher demonstration projects in several school districts. Only one school district, Alum Rock, California, completed the experiment. According to The Urban Institute's February 1991 edition of its newsletter, *Policy Bites,* the Alum Rock experiment allowed students to enroll in any participating public or private school in the district, provided transportation to the chosen school, and gave the receiving school funding for each new student enrolled. In 1976, the Alum Rock school district project was abandoned.

An evaluation of the Alum Rock Project by The RAND Corporation indicated that "75% of the students participated in the program, changes in offerings and attitudes were stimulated by the experiment, and educators began to regard students and parents differently." However, RAND concluded, according to the *Policy Bites* article, that "These changes did not translate into any improvement in student reading achievement, self-perception, or social skills". Additionally, it concluded that "the methods used by parents to collect information were not uniformly optimal. Middle class parents tended to visit schools, question educators about programs, and collect printed information about the schools. Parents from low income families tended to rely on school counselors, whose information was potentially biased since they were also responsible for recruiting students."

In the 1980s, during the Reagan administration, the advocates of tuition tax credits and vouchers switched strategies and started calling the concept "parental choice" programs, or "choice" for short. Tuition tax credits and vouchers had been strongly advocated as part of the Administration's education program. Many believed that the decision to place the issue of choice at the top of the education agenda was, in reality, President Reagan's way of fulfilling his campaign promise to conservatives who have long opposed desegregated public schools and viewed choice programs as a viable alternative.

An indication of the level of concern regarding the potential threat of tuition tax credits and vouchers to public education was reflected in a 1983 decision by the leadership of the nation's two largest teachers' unions, the National Education Association (NEA) and the American Federation of Teachers (AFT), to release a joint statement opposing these initiatives. It was the first time in the history of the teachers' unions that such a collaborative effort was undertaken. Through the lobbying efforts of civil and human rights groups along with educational, labor, and other proponents of public education, the tuition tax credits and voucher legislative initiatives proposed during the 1970s and 1980s sessions of Congress were consistently defeated.

However, the issue of choice in education, whether confined to competition among public schools or for public funds to pay for the education of students attending private elementary and secondary schools, has refused to go away. The proponents of choice have been successful in their efforts to keep the issue on the national political agenda. Their efforts have been enhanced by the fact that the Reagan and Bush Administrations have supported the concept and given it a high priority on their agendas. For example, in 1988, the White House sponsored a national conference on choice and in 1989 held five regional hearings on the issue. At the 1988 "White House Conference on Choice in Education," then President-elect Bush explained his support of choice by stating that "Those good and tested reform ideas of recent years must become universal – universally understood and applied and, thus, universally enjoyed by our children – the most promising of these ideas...is choice." In December, 1990 the U.S. Department of Education established "The Center for Choice in Education" whose function is to disseminate information and materials about choice.

There also appears to be increased support among state legislators and other groups for choice programs. Of particular note has been support among state leaders such as Polly Williams, a member of the Wisconsin legislature, resulting in advocacy for choice, albeit limited, among minority and low income groups which have traditionally opposed the concept. Over the course of the past five years, Wisconsin and 30 other state legislatures considered or adopted choice plans which range from single schools to entire states. Minnesota, in fact, became the first of five states to implement a statewide choice plan. Further, the Gallup poll indicates that the percentage of Americans supporting choice programs has risen from 43% in 1970 to 50% in 1991. The September 1991 issue of Phi Delta Kappan magazine, which contains the latest Gallup poll results, states that "The voucher plan finds its strongest support among non-whites and blacks (57% in both groups), inner-city dwellers (57%), people with children under 18.(58%), and nonpublic school parents (67%)."

Equally significant has been the public's receptivity to a study entitled *Politics, Markets, and American Schools* written by two Brookings Institute policy analysts, John Chubb and Terry Moe. Based on their study's findings, Chubb and Moe seek nothing less than the total dismantling of public education as we

now know it. Such studies, coupled with unprecedented and sustained attacks on the nation's public schools, have resulted in the choice issue remaining high on the nation's political agenda.

Recent Discussions of Choice

Defining Choice

Through the years the generic term "choice" has been used to describe a wide variety of systems as indicated in the Council of Chief State School Officers 1989 report, *Success for All in a New Century: A Report by the CCSSO on Restructuring Education*. The "choice concept" often involves multiple strategies such as open enrollments, free enterprise zones, controlled choice plans, magnet school systems, alternative concepts schools or unzoned schools, residential schools with an emphasis on specific subjects (e.g., science, mathematics, performing arts, vocational schools), or separate schools for specific groups of children (e.g., based on race, gender, or exceptionalities). The Quality Education for Minorities Network (QEM) supports summer mathematics and science residential academies for 7th-12th grade students. Also included under the rubric of choice are site based decision-making, home schooling, and second-chance programs. While some "choice" programs have been in existence for 10-20 years, most are more recent innovations and are not yet clearly defined.

In the past, transfer payment programs such as tuition tax credits and vouchers were advocated as means for using public funds to pay for students whose parents elected to send them to private or parochial schools. Today, the transfer payment policy is called a "scholarship" which appears to be less offensive and less onerous than terms such as tuition tax credits or vouchers. In reality we have the same concepts being proposed, only utilizing different descriptors. The ultimate outcome is still the same – the privatization of education.

The Association of Supervision and Curriculum Development (ASCD) in its monograph, *Public Schools of Choice*, states that: "In educational reform, the broad term restructuring is confusing, while choice, a subset of restructuring, is something we can all see, understand and experience. Americans naturally like the word choice, with its sense of power, freedom and options. Choice is integral to a democratic society and a free market economy, conveying an inherent sense of quality and variety." "Plans for school choice", states ASCD, "always involve parents' influence or control of schools for their children."

The American Heritage Dictionary (2nd edition) defines choice as "the power, right, or liberty to choose; a number or variety from which to choose; something that is best or preferable above others, the best part; an alternative."

Types of Choice Plans

In his 1989 book, *Choice and Control in American Education: An Analytical Overview*, John Witte divided choice plans into two categories: those using parental influence and those using parental control. Influence is defined by Witte as the parents' ability to affect a decision ultimately made by others, usually school authorities. Control is defined as the parents' ability to have the final say on what school their children will attend.

Voucher plans are the primary models found in the parental control category. Magnet schools, which represent the majority of choice programs and are reflective of the parental influence category, feature specialized programs designed to attract students with special needs or talents (e.g., performing arts, technology, science, mathematics). Magnet schools became popular in the 1970's as a way to avoid mandatory desegregation plans.

Choice programs are further sub-divided into intra- and inter-district choice plans. Inter-district choice plans relate to legislated choice programs or court mandated remedies which allow students to enroll in school districts across counties, or anywhere in the state. In other words, it is a statewide choice program. Minnesota, Iowa, Arkansas, Ohio, and Nebraska have implemented inter-district choice plans. Intra-district choice plans allow parents to select among schools throughout the district where they live. Cambridge (MA), Montclair (NJ), Seattle (WA), Montgomery and Prince Georges Counties (MD), and Richmond (CA) are intra-district plans. Intra-district plans generally include controlled choice, teacher initiated schools, or magnet school programs. According to the United States Department of Education, the vast majority of states are implementing intra-district choice options.

Choice Advocates and Opponents

Proponents for public school choice essentially divide their argument into two categories. The first is based upon the principle that a free and democratic society has a transcendent public interest in maintaining a public school system, but there is no similar interest in requiring children to go to one public school rather than another. Opponents of choice attack this argument on the grounds that such flexibility creates bureaucratic and administrative nightmares regarding program planning and operation of the schools.

The second basic argument for public school choice is directly concerned with outcomes. This argument is predicated on the view that choice is the means to attain educational diversity and quality, student achievement, and parent, student, faculty, and community satisfaction. The way the schools will achieve these outcomes is through competition, which becomes the means or incentive for increasing "consumer" satisfaction, just as in a market economy.

Proponents of choice predicate their advocacy primarily on the concepts of empowerment and improvement: enabling parents to choose which schools their children will attend, and the resulting improvement of education through competition or a free marketplace of schools.

The most widely known advocates of the marketplace concept are Chubb and Moe from the Brookings Institute, which has been described by some leaders as a think tank for liberals. Chubb and Moe call for the total dismantling of the public school bureaucracy and the abolition of the democratic control of schools (school boards). Instead, they advocate schools (public and non-public) competing in the "open marketplace" for students and resources. Under their proposal, any person, any group, or any organization could charter and operate a school. States would establish minimum standards regarding safety and health regulations, but for all intents and purposes, schools of choice, as defined by Chubb and Moe, would function as independent entities free of any government controls. Each school would create a governing board, establish its own admissions criteria, define its mission, and its curriculum, as well as determine employment policies and salary levels. Families would select the school(s) their children would attend and funding would follow the students in the form of "scholarships" paid directly to the receiving school(s). "Education is a commodity; competition and free enterprise would", in Chubb and Moe's words, "weed out the incompetent schools. Schools would become winners and losers — those able to attract and retain its student population would win; those unable to do so would lose."

David Kearns, former CEO of Xerox Corporation and now Assistant Secretary, U.S. Department of Education, in a book co-authored with Dennis Doyle of the Hudson Institute, *Winning the Brain Race*, states that "Dollars must follow students. Only when they enroll would schools earn income. That is the single most important element of a choice system, for it puts real meaning into choice."

However, Dennis L. Evans, an instructor at the University of California at Irvine, in an October 17, 1990 *Education Week* article, "The Mythology of the Marketplace in School Choice," questions the logic of comparing public schools with the marketplace. "Why," asks Evans, "do we put our trust in emanations from a corporate boardroom regarding what should occur in a classroom? For every success story in the business world we can also point to an Edsel, an Eastern, or a Lincoln Savings." In a follow-up article which appeared in the February 14, 1991 edition of *Education Week*, "The Risks of Inclusive 'Choice' Plans," he states that "Public schooling is the only educational enterprise dedicated, by design, to offering a program that respects the myriad outlooks and values held by all of the children of all of the people." It has also been said that the proposals to use public school funds to send children to private schools is an attack on the principle of free, universal public education for all Americans. In other words, what we need are choices without losers, programs which ensure that all students will be winners by guaranteeing that each will receive a quality education.

Policy advocate Joe Nathan of the Hudson Institute concurs when he states that "Many people are distorting choice and making it out to be fundamentally about markets and competition. But for those who have been working at options and alternative schools for the past 25 years, choice is about recognizing that teachers need opportunities to work with parents to create different kinds of schools so that we will have a higher percentage of youngsters who do well."

Further, Charles Glenn of the Massachusetts Office of Educational Equity argues in his *Educational Leadership* article "Will Boston be the Proof of the Choice Pudding?" that "Diversity and choice should be part of any strategy to revitalize education." "While research," says Glenn, "confirms that choice can lead to effective *individual* schools, those who argue that choice will result in *overall* improvement — or disaster — for American education have little solid evidence."

This is the point raised by a number of others who believe that choice is being promoted as the cure all for the ills plaguing our education system. For example, the NEA at its 1989 representative assembly voted to "support choice programs at the local level, under circumstances which meet prescribed criteria." However, the organization opposes federally or state mandated choice programs. The American Federation of Teachers at its 1990 convention voted that the organization "remain open to public school choice and approach such policies and plans on a case-by-case basis." The resolution also spelled out criteria which had to be met for the organization to support such plans. Each organization remains adamantly opposed to choice plans that include funding to non-public schools. Each also states that choice must be part of a comprehensive package to reform a community's education system.

The ASCD in its policy analysis of the choice issue, according to Richard Elmore who chaired its Public Schools of Choice Task Force, believes the real question is "how to equalize opportunities for choice" so that all students are winners rather than becoming embroiled in an ideological litmus test of choosing sides. On the issue of equalizing opportunities, Bella Rosenberg, Assistant to the President of the AFT, points out in the summer 1989 edition of the *American Educator* that "We certainly already have a considerable amount of diversity and choice within public schools, especially high schools. As *The Shopping Mall High School* made abundantly clear, in most American high schools students have been free to pick and choose...During the past five to ten years, this kind of diversity has been under attack. Instead of encouraging "choice" we have been curtailing it, thus, creating a paradox: maximizing the chances that a public school choice system will improve education may mean regulating and delimiting choice."

John E. Jacobs, Executive Director of the National Urban League and syndicated columnist, in his April 10, 1991 article, "Making School Choice Work" which appeared in the *Lynchburg Journal*, states "What is a bad idea is a choice option that includes voucher plans to defray private school tuition

costs. Choice is based on faith that people will make the right choices for their children — but it will take more than simple faith to ensure that happens." Jacobs further states that choice "needs to be bounded by strong controls to ensure its effectiveness: to monitor equity, ensure against resegregation, and implement student transportation and community information programs" to guarantee that all families have access to these schools.

Impact and Implications of Choice

While there is not a wealth of information regarding the effectiveness of choice programs, a review of the literature about choice plans, particularly their admissions criteria and implementation, does provide some revealing insights into this issue.

Anecdotal studies indicate that when parents and students are involved in selecting the school of attendance as well as the curriculum to be studied, there is improvement in attendance, attitudes about schooling, and academic achievement. This information also reveals that students' academic performance improves when the population is diverse, when it reflects a good mix of socioeconomic backgrounds and academic abilities. Research findings indicate that magnet schools, for example, tend to yield positive results in areas related to student attendance and achievement, school morale, and teacher expectations.

Most choice or alternative programs, however, have not been subjected to evaluation and, therefore, evidence is not available regarding their effectiveness. As a matter of fact, ASCD in its analysis of choice programs stated, "We cannot conclude that choice alone has positive effects on motivation and achievement, because the research does not address the troubling question of whether choice systems engender motivation and achievement or simply concentrate motivated students and their parents in a few schools."

New Sorting Machines

However, Donald R. Moore and Suzanne Davenport of the University of Wisconsin, in remarks prepared for the Education Commission of the States 1989 National Invitational Conference on Public School Choice, described choice as the "new improved sorting machine for schools." Moore and Davenport conducted a two-year study of the implementation of school choice programs in New York City, Chicago, Philadelphia, and Boston. Their findings indicated that, unless carefully monitored, school choice programs could result in a new, more efficient "sorting machine", according to an article which appeared in the May 18, 1988 edition of *Education Week*. Studies and interviews conducted in a number of school districts that have implemented choice plans indicate that, rather than enhancing the options of poor and minority students, choice programs may be creating a new form of discrimination.

According to the findings, school choice has, by and large, become a new improved method of student sorting in which schools pick and choose among students. "In this sorting process," states the report, "black and Hispanic students, low income students, students with low achievement records, students with absence and behavior problems, handicapped students, and limited English proficient students have very limited opportunities to participate in popular options high schools and programs. Rather, students at risk are disproportionately concentrated in schools where their fellow students are minority, low-income, and have a variety of learning problems." In other words, the report reveals that a major gap exists between the rhetoric of those supporting public school choice and the realities of the real world. Public school choice could become, according to the authors, a new form of segregation, creating a multi-tiered system. The issue of "tiering" the system will be addressed later in this paper.

Chubb and Moe, in their study ,recommend addressing this problem by suggesting that schools implement, as part of their admissions criteria, language regarding non-discrimination and that special needs children receive larger scholarships than other students. The authors go so far as to say that additional funds would be allocated for difficult to place students to encourage schools to want to enroll them. This suggestion is negated, however, when the authors also state that schools should have the right to accept or reject students who do not "fit-in".

The Minnesota open enrollment plan also specifically addressed the problem of youth at-risk by including in its legislation a proposal called second chance schools -- schools designed for students who were having difficulty in their regular school. Other districts have tried to address this problem by establishing information centers that are responsible for reaching out to all parents and informing them of the programs available.

Quality Education for All

The study by Moore and Davenport also pointed out that "...schools which wished to gain a positive reputation were forced to concentrate limited resources on competing for and catering to high achieving students, rather than on upgrading the quality of education for the majority of their students." This issue alone questions the supposition made by proponents of school choice about its ability to improve the quality of education and schools for all students.

Regarding the issue of access, an article by Chris Black entitled "Classroom Cheats," which appeared in the March 13, 1991 edition of the *Boston Globe*, stated that parents and students fabricate cover stories and ask friends and relatives to be legal guardians so that they can attend schools in Cambridge, MA, which has had a controlled choice program for more than a decade. In Prince Georges County, MD, parents stand in line, and sometimes camp out, in order to enroll their children in the county's magnet school program.

On the other hand, the Minnesota open enrollment program is having a mixed impact. "Choice in Minnesota: Open Enrollment as a Means to Education Reform," an article by Jill Wicinski which appeared in *Education Week* (November, 1990) indicates that in the 1988-89 school year fewer than 1000 students applied to change districts. Since advocates of choice have stated that it will benefit minority and low-income students, it is important to note who is actually using the program. An analysis of these figures revealed that those students participating in the program were predominantly white and from middle-class suburbs. Minnesota's minority students, 40% of whom live in the St. Paul-Minneapolis area, have not participated in the program in any appreciable numbers.

Other Lessons from Choice

Flexibility and Planning?

On February 27, 1991, *Education Week* featured an article entitled "Minnesota Open Enrollment Program has had Mixed Impact, Survey Says." The article states that the greatest benefit has been the increase in state aid that resulted when students transferred into their districts. Benefits cited included: improvements and expansion of the curriculum, replacement of disgruntled students with highly motivated ones, and a greater willingness of school boards to spend money on improved programs. The survey also indicated, however, that class sizes had increased in districts losing students and in those gaining pupils. In particular, districts losing students were forced to cut staff, thus, necessitating larger classes. These districts cited loss of revenue, the departure of academically and athletically talented students, a lack of stability for planning, and reduced programs for remaining students.

The perception versus the reality of choice are often incongruent Tom Chenowith, in an article which appeared in the Winter 1991 edition of *Equity and Choice*, stated that researchers have observed that "The public image presented [regarding choice programs] was not the reality that we observed from our day-to-day observations...Literally hundreds of people participating in school visits...got the facade, the party line."

The strengths of a school system of choice lie chiefly in the areas of school climate, norms, beliefs, and behaviors which impede or enhance student learning rather than in elements directly related to instruction and curriculum. For example, according to Mary Ann Raywid, it is assumed that by choosing to enroll their children in a choice program, parents make an implicit agreement to support the schools. One can demonstrate a strong sense of purpose and value on the part of teachers, students, and parents, but it is unclear whether self-selection or the impact of a new system of choice is responsible.

Choice: The School Finance Issue of the 1990

Another implied promise gleaned from the review of the literature on choice is that it is inexpensive, that it can be achieved within existing school budgets.

Experience, however, demonstrates that choice can be an expensive, rather than an inexpensive, venture. A case in point is the choice program in Richmond, CA which was widely hailed by the media and the Reagan Administration in 1988 as one of the most successful plans in the nation. The Richmond plan was implemented in the short span of three years. In order to be competitive, individual schools spent hundreds of thousands of dollars to upgrade their physical facilities, curriculum and textbooks, and to purchase state of the art equipment. Initial reports of academic results were impressive, showing overall gains throughout the district. However, after the first year, the results declined.

Further, by February, 1991, the Richmond school district was in deep financial trouble, having overspent its budget by more than $30 million. While the state, under threat of a lawsuit, agreed to bail the district out of its financial troubles, the cloud created by the over-expenditure of funds to implement the choice program still hangs over the schools. According to media reports on the district's problems, much of the debt incurred resulted from efforts to make each school competitive in the choice "marketplace". The problem, however, is that money was spent that the district did not have.

Proponents claim that choice programs will create a market effect which will force poorly performing schools to improve. However, one must ask the question of how inner city schools that are currently financially devastated can be expected to compete at the same levels as more affluent schools? How can rural schools compete — or is choice another strategy to force consolidation of districts, especially those which are sparsely populated? If their financial resources are further limited due to the loss of students, how and where do they get the resources to improve the curriculum, purchase state of the art equipment, improve physical facilities, or attract and retain highly qualified teachers? It is apparent that unless adequately financed and carefully monitored, choice could become the school finance issue of the 1990s!

Financing of school choice plans is an issue that will impact all levels of government, including the federal budget. President Bush, in his 1991 State of the Union address, as well as in his *Educate America 2000* proposal, calls for parental choice programs to be a focal point of any efforts to restructure our education system. However, the President advocates no new federal funds to design and implement choice programs. Rather, $230 million of existing federal funds are being redistributed, including some Chapter I funds, to implement the President's choice demonstration initiative projects.

Skimming

The literature reflects still another concern about choice: skimming the brightest, most highly motivated students from the assigned schools and concentrating them in select schools. In some instances, choice has been characterized as a private school system for the elite within the public school system. By skimming the most academically talented students, those who remain find their student body lacking exactly what proponents of choice advocate: a sense of competition, a strong realism of academic success and achievement. *The New York Times* editorial on April 28,1991, in response to the *Educate America 2000* proposal, stated that "giving bright, highly motivated low-income students more educational options is not only desirable, but imperative....But what about the less motivated, most troubled students, who are ill equipped to exercise choice and might be rejected if they did? Washington's emphasis ought to be on improving the weak public schools for them, or on attaching enough money to each student so that better schools would want to compete for even the dullest and most poorly behaved. Unless the Administration is willing to promote quality education for all students, its plan will be little more than a publicly funded scholarship program for the bright and restless."

Legal Issues

An analysis of the choice issue indicates that a myriad of legal questions need to be addressed as school districts and states consider implementation of choice programs.

The Heritage Foundation, a conservative think tank, in its publication, *Choice in Education: Part II Legal Perils and Legal Options*, cautions advocates of choice in education to recognize that a sound legal framework and strategy are essential to success. The Foundation advises choice policymakers to "study the record of federal and state court challenges to choice and ensure their proposals satisfy several essential criteria." It identified three potential legal hurdles facing choice plans: (1) discrimination; (2) desegregation; and (3) the religious conundrum. The suggested criteria would include language emphasizing: no discrimination in favor of religiously affiliated schools; parents and students deciding where public school funds should be used; and, not creating a permanent and pervasive state influence in religiously affiliated schools.

In addition, according to the May/June 1989 issue of the National Council of La Raza's *Education Network News* (Volume 8, #3), there is also the legal concern that choice programs will undermine civil rights and desegregation plans. "Civil rights mandates and desegregation plans may be eroded if choice allows specific waivers to apply or if changing enrollment patterns make integration efforts wholly artificial."

La Raza is also concerned that unless extensive outreach initiatives are integrated into any choice plan, "minority parents, especially language minority parents who are limited English proficient, will be denied any real choice." For instance, La Raza cites Jorge Rangel's article which appeared in the *Harvard Civil Liberties Review*, saying that "choice plans in which students were allowed to choose the schools they would like to attend, resulted in Anglo flight from predominantly Chicano schools." Furthermore, a number of districts implementing choice programs segregate out bilingual schools, according to La Raza. In New York City's East Harlem and in Boston's choice plans, bilingual schools are excluded or those students needing such services are limited in the schools from which they can select. Thus, these students have no significant choices.

Another legal issue related to choice involves the constitutionality of using public funds to pay for the education of children enrolled in non-public schools. Opponents of school choice believe publicly funded choice programs in non-public schools may be unconstitutional because 85% of private schools are religiously affiliated. They base their argument on the constitutional provision calling for a separation of church and state funding. However, there are examples of public funds being used in part to subsidize educational activities in religious institutions. A few subsidy plans applying to both private and public schools have been tested in court. The court rulings in these cases have been mixed.

Further, most choice plans do not provide adequate resources for transportation services if parents decide to place their children in schools that are not easily accessible. As a matter of fact, some advocates of choice see it as a way to get away from forced busing. Yet, choice would require more transportation costs to move students from their neighborhood schools to their chosen school.

More importantly, what happens to students who are assigned to deficient schools because there is no more room at the schools of their choice or who did not have access to transportation, or whose parents are limited English proficient and, therefore, unable to take advantage of such programs for their children? Opponents of choice argue that there is a legal, moral, and societal responsibility to guarantee these students access to schools and to programs which will ensure that they, too, will receive a quality education.

Choice versus Tiering

Finally, some studies show that a very serious outcome associated with choice systems is that they may have apparently and unintentionally created multi-tiered school systems. The most striking disparity is the failure of many of these programs to be socioeconomically integrated. This is an interesting paradox since a number of the programs (e.g., alternative programs and magnet schools) were originally implemented to help minority and low income

students achieve academic success in school. Of particular note is the study conducted by the Chicago Designs for Change Group that analyzed admissions processes used by various types of high schools in Chicago, Boston, New York City, Philadelphia, St. Louis, and San Jose. The analyses reveal that these cities have created multiple-tiered school systems that offer unequal opportunities to students from differing backgrounds. The tiers include:

- Exam schools that admit students based largely on their scores on competitive examinations;
- Selective magnet schools that have stringent admissions requirements;
- Selective vocational schools, that typically have less stringent academic requirements than the magnet schools;
- Non-selective schools that draw from moderate-income neighborhoods; and
- Non-selective schools that serve the poorest neighborhoods.

The Chicago Designs for Change Group study concluded that "Often, many schools in the upper tiers operate as separate, virtually private schools." Furthermore, these schools frequently are granted special prerogatives in selecting teachers, securing additional funding, and offering curricula.

Tiering of schools affect students in several ways:

- The selective schools tend to attract the most capable, successful, and well behaved students, leaving the non-selective schools to deal with students having the most serious learning difficulties;
- Selective schools are usually given extra resources or increased flexibility in the use of resources;
- Selective schools have definite enrollment limits and, thus, can make plans for the coming year because their teaching staff and student body are essentially set by early summer;
- Selective schools use both formal and informal means to remove students who are not meeting their expectations, and send students "who don't work out" back to their neighborhood schools; and
- Non-selective schools, because selective schools create a systemwide focus on high achieving students, are forced to emphasize special programs and recruiting strategies to attract these students rather than improving the quality of education for all students. Perhaps most alarming is the growing practice of basing admission to the non-selective school on non-academic criteria such as attendance and behavior problems

Questions to be Answered

Ann Bastian of the New World Foundation expressed great concern that choice programs are being implemented throughout the nation with little, if any, regard for the consequences that they may yield. Bastion argues that "... questions must be asked about a proposed system where consumers do not have equal buying power, reliable product information, or very much control over what gets produced. Choice programs must be carefully designed and implemented to ensure that all students, rather than a select few, have access to them." (School Choice: Unwrapping the Package, The New World Foundation, March, 1989)

Basic questions remain to be answered about choice programs. These questions include:

1) **What does "choice" really mean?**

2) **What does the record tell us about choice programs?**

3) **What will be the impacts on equity?** (e.g., Are there enough good schools to go around? How far will students have to travel to and from school? Is there a plan for improving all schools? How will choice plans impact students from racial or language minority groups? low-income students?)

4) **What are the real problems facing a given school system?** (e.g., Does choice address the core issues of school improvement? Is choice part of a total restructuring plan?)

5) **Will parents become more or less involved if choice is implemented in the community's schools?**

6) **Will teachers become more or less empowered?** (e.g., Will choice foster collaboration or competition? Will it encourage teacher involvement in school decision-making?)

7) **How will parents judge the quality (or lack of quality) that exists between schools?** (e.g., Will we rely solely on standardized test scores and test driven teaching?)

8) **Will choice affect school funding?** (e.g., Will there be new resources to ensure all schools improve, to cover transportation, to provide parent information, and to cushion school budgets against fluctuations?)

9) **Will choice enhance school–community ties?** (e.g., Will voters and taxpayers view schools as community institutions? Will this plan serve the neighborhood school?)

10) **Will schools be democratically governed?** (e.g., How will parents influence school boards and local decision-making, if they are not voters in the district of choice? What will be the composition of the local school boards? Will marketplace forces erode the democratic process and the accountability of elected representatives?)

Principles to Guide Consideration of Choice Plans

Choice is one of the most controversial proposals on the agenda to restructure America's public education system. To craft a system that exacerbates educational inequities rather than one which diminishes those differences violates the concept of our nation's principle of opportunities for all. To implement a system that manifests more advantages for the advantaged and more disadvantages for the disadvantaged is to design a future for this country that will be more bifurcated than at almost any other time in our history.

Rather, the architects restructuring our nation's schools must envision an America whereby every citizen has many opportunities to develop fully to his or her intellectual potential. Universal, free, quality public education has been, and continues to be, a strong means of maximizing that potential by guaranteeing those opportunities for all Americans. Efforts to reform America's public education system must ensure that all students have access to vastly improved educational opportunities wherever they attend school.

Basic principles must underlie any educational choice plans and subsequent programs. They should include the following:

1. Choice programs should be part of a comprehensive plan to improve the quality of education in all schools, for all students.

2. Careful monitoring of choice plans and programs must occur to ensure quality and equity.

3. Provision of adequate funding for all schools; no school should be less adequate than any other.

4. All choice programs must adhere to civil rights guarantees; they must aim to reduce class, social, and racial segregation in schools.

5. Each school must be given the authority, time, and resources it needs to design distinctive, high quality programs.

6. Choices of and access to programs must be equally available to all students, including access to free transportation to enable students to participate in choice programs.

7. There should be no artificial academic or test requirements to gain admittance to the choice program.

8. Parents, especially poor and/or bilingual parents, must be informed and involved in the development of, and have access to, choice programs.

Conclusion

It is quite clear that choice by itself is not a panacea for systemic or sustained education reform. Where it is being considered, choice must be part of a comprehensive package of education reform initiatives. In other words, efforts must be made to rethink and redesign educational programs so that all students have access to schools, curriculums, teachers, and parental support which will enable them to receive a quality education regardless of where they attend school.